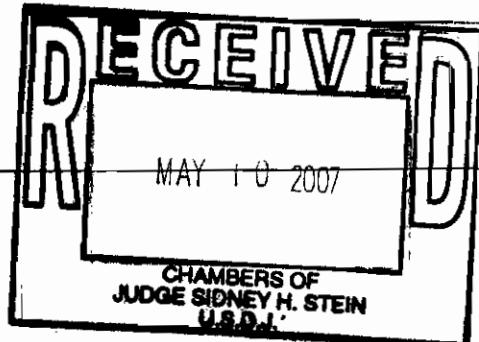


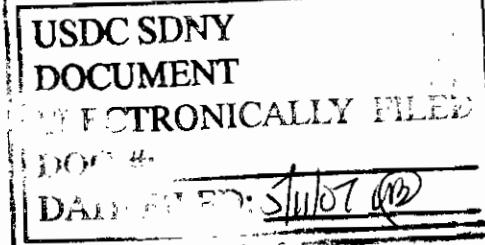
U.S. Department of Justice



United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

May 10, 2007



BY FACSIMILE

Honorable Sidney H. Stein
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

~~CONFIDENTIAL~~

Re: United States v. Elvis Fuentes
07 Cr. 329 (SHS)

Dear Judge Stein:

On May 8, 2007, counsel for the defendant submitted a motion and accompanying affidavits asking the Court to issue an order suppressing certain evidence in this case. Based on the facts as alleged in the affidavits, it appears that the defendant raises disputed issues of fact such that an evidentiary hearing is required.

At the initial pretrial conference in this matter, the parties scheduled a conference for May 17, 2007, at which time they anticipated that the Court would hold an evidentiary hearing on any motions filed by the defendant, if necessary. However, after reviewing the defendant's motion and contacting the relevant witnesses, I learned that one of the Government's witnesses is unavailable on that date. Specifically, Deputy United States Marshal Nicholas Ricigliano, who was one of the agents present in the defendant's apartment where the search at issue occurred, is unavailable during the weeks of May 14 and May 21, 2007, due to his wedding and honeymoon.

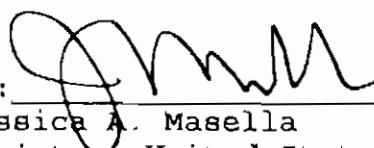
Thus, the Government respectfully requests a short adjournment of the evidentiary hearing, until such time as this witness can be available. I have consulted with counsel for the defendant, and he does not object to this request. In addition,

both parties and the anticipated witnesses are available for an evidentiary hearing on May 31, 2007 or June 11, 2007. If these dates are not convenient for the Court, the parties can supply additional alterative dates.

Thank you for your attention to these matters.

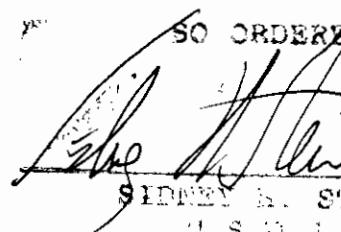
Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney
Southern District of New York

By: 
Jessica A. Masella
Assistant United States Attorney
(212) 637-2288

cc: Jonathan Marks, Esq.

The hearing is adjourned
to 5/31/07 at 9:30 a.m.

SO ORDERED 5/11/07

SIDNEY R. STEIN
U. S. D. A.